

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZACK K. DE PIERO,

Plaintiff,

v.

PENNSYLVANIA STATE UNIVERSITY and
DAMIAN FERNANDEZ, MARGO
DELLICARPINI, LILIANA NAYDAN, CARMEN
BORGES, ALINA WONG, LISA MARRANZINI,
FRIEDERIKE BAER, and ANEESA SMITH, in
their official and individual capacities

Defendants.

CIVIL ACTION NO:

No. 2:23-cv-02281

JOINT STIPULATION TO AMEND DEADLINES

Pursuant to Local Rule of Civil Procedure 7.4(b)(2), counsel for Plaintiff Zack De Piero and counsel for Defendants hereby stipulate as follows:

1. Plaintiff filed an Amended Complaint on July 18, 2023. (Doc. 4).
2. On September 7, 2023, the Court entered a “Scheduling Order” referring the case to Magistrate Judge Richard Lloret for a settlement conference and setting case deadlines through summary judgment motions. (Doc. 22).
3. Pursuant to the Court’s September 7, 2023 Scheduling Order, the current deadline for fact discovery is February 2, 2024. The current deadlines for expert witness reports and rebuttal reports are March 5, 2024 and April 4, 2024, respectively. The current deadline for expert depositions is May 6, 2024. The current deadline for motions for summary judgment is July 5, 2024. (Doc. 22).

4. Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint on September 25, 2023. (Doc. 23).

5. Plaintiff filed an Opposition to Defendants' Motion to Dismiss on October 10, 2023, (Doc. 24), and Defendants filed a Reply on October 24, 2023. (Doc. 28).

6. While Defendants' Motion to Dismiss was pending, the parties each exchanged written discovery requests. The parties are continuing to work cooperatively to complete discovery.

7. On January 11, 2024, the Court issued a Memorandum Opinion and Order granting in part and denying in part Defendants' Motion to Dismiss. (Docs. 31 and 32).

8. On January 18, 2024, the parties participated in a Settlement Conference before the Honorable Richard A. Lloret, United States Magistrate Judge. (Doc. 29).

9. The parties are continuing settlement discussions, and a second Settlement Conference before Magistrate Judge Lloret is scheduled to take place on January 26, 2024 at 9:30 a.m.

10. Plaintiff's counsel, Samantha K. Harris and Michael Thad Allen, are currently scheduled to go to trial in an unrelated case in the Southern District of Texas, with final pretrial conference January 18, 2023. *John Doe v. Prairie View A & M University*, No doubt 4:22-CV-01019 (S.D. Tex.). A trial date will be scheduled within three weeks of the final pretrial conference.

11. The pending trial will consume Plaintiff's counsel's time prior to the conclusion of fact discovery in this case.

12. The parties therefore respectfully seek to extend all current case deadlines by one hundred twenty (120) days in order to ensure sufficient time to complete discovery, expert witness discovery and depositions, file dispositive motions, if any, and prepare for trial in this matter.

13. In addition to amending all other current deadlines, the proposed stipulation would set a fact discovery deadline of June 3, 2024.

14. No prior extensions for these case deadlines have been sought.

WHEREFORE, the Parties respectfully request that the Court enter this Stipulation as an Order and enter the attached proposed Amended Scheduling Order.

Respectfully Submitted

ALLEN HARRIS PLLC

/s/ Michael Thad Allen (with permission)
Michael Thad Allen (*admitted pro hac vice*)
Samantha K. Harris
PO Box 673
Narberth, PA 19072
(610) 634-8258
sharris@allenharrislaw.com
mallen@allenharrislaw.com
Attorney for Plaintiff Zachary K. De Piero

SAUL EWING LLP

/s/ James A. Keller
James A. Keller, Esq. (ID No. 79855)
Matthew J. Smith, Esq. (ID No. 314157)
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA, 19102-2186
T: (215) 972-1964
James.Keller@saul.com
Matthew.Smith@saul.com
Attorneys for Defendants

Date: January 19, 2024

SO ORDERED AND APPROVED:

Date: _____

, J.

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Defendants.

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No. 2:23-cv-02281

AMENDED SCHEDULING ORDER

AND NOW, on January ___, 2024, upon consideration of the parties' proposed scheduling order, it is hereby **ORDERED** that:

1. All fact discovery shall be completed by **June 3, 2024**;
2. Any expert reports are due no later than **July 3, 2024**. If an expert report is intended solely to contradict or rebut evidence on the same subject matter identified by another party, counsel shall serve such report on counsel for every other party no later than **August 2, 2024**. Any rebuttal reports are due on **August 2, 2024**.
3. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to the issues of liability and damages shall, at the time required for submission of information and/or reports for expert witnesses, serve opposing parties with details and/or documents covering the lay opinions of the Rule 701 witnesses.

4. Any discovery depositions of expert witnesses shall be completed by **September 3, 2024**.

5. Motions for summary judgment shall be filed and served on the parties on or before **November 5, 2024**. If the parties do not plan on filing summary judgment and/or Daubert motions, they shall so report to the Court (Chambers, Room 10614) on or before **November 5, 2024**. In all summary judgment filings, the parties shall comply with the provisions of this Court's Policies and Procedures regarding the submission of a joint appendix and of statements of undisputed and disputed material facts.

- A. When one party intends to move for summary judgment, that party shall initiate a process whereby the parties shall meet, confer and develop a single, joint appendix of all exhibits, including any and all exhibits that may be referenced in their respective briefs.
- B. The joint appendix shall be filed by the movant no later than the date the initial motion for summary judgment is docketed. All pages of the joint appendix shall be consecutively "Bates stamped" and referenced in the motions and briefs by the Bates number assigned each page. The joint appendix shall include a table of contents. The parties shall make every effort to include all necessary exhibits in the initial joint appendix. Should it become necessary for the non-moving party to submit additional exhibits, however, it may do so at the time it files its opposition brief. Any addendum to the joint appendix shall be consecutively Bates stamped, beginning at the page number where the joint appendix left off, and shall include a table of contents. Judge Beetlestone will not consider material not included in the appendix.
- C. Statements of Facts
 1. Upon motion for summary judgment, counsel shall also submit a separate Statement of Undisputed Material Facts containing a numbered, paragraph-by-paragraph recitation of facts with specific citations to the joint appendix in support of all of those facts as to which the moving party contends no genuine issue exists.
 2. Counsel opposing a motion for summary judgment shall also submit a separate Statement of Disputed Material Facts, stating in similar paragraph form whether that party accepts or rejects that each fact as stated by the moving party is undisputed. If a party contends that a fact is in dispute, citation must be made to the joint appendix that supports the party's view that that particular fact is in dispute. The party should then list its own additional disputed facts in the same format with specific citations to the joint appendix.

3. Counsel for the moving party shall then submit—even if not filing a reply brief—a separate Reply Statement of Undisputed Material Facts stating in similar paragraph form whether that party accepts or rejects that each additional fact as stated by the opposing party is disputed. If a party contends that a fact is undisputed, citation must be made to the joint appendix that supports that party’s view that the particular fact is undisputed.

6. For all filings submitted and conferences held pursuant to this scheduling order, and for all pretrial and trial proceedings referred to herein, counsel shall follow Judge Beetlestone’s Policies and Procedures, a copy of which can be found online at www.paed.uscourts.gov.

BY THE COURT:

WENDY BEETLESTONE, J.

CERTIFICATE OF SERVICE

I hereby certify that on the date stated below, I caused a true and correct copy of the foregoing *Joint Stipulation to Amend Deadlines* to be served upon counsel through electronic filing and electronic mail on the following:

Michael Thad Allen (*admitted pro hac vice*)
Samantha K. Harris
PO Box 673
Narberth, PA 19072
(610) 634-8258
mallen@allenharrislaw.com
sharris@allenharrislaw.com
Attorney for Plaintiff Zachary K. De Piero

/s/ James A. Keller
James A. Keller, Esq.

Dated: January 19, 2024